

The Arunachal Pradesh Gazette, January 31, 2013

NOTIFICATION

The 24<sup>th</sup> January, 2013

No. FOR.67/PRO/2012. – In exercise of the powers conferred by sub-section (c) of Section 72 of the Assam Forest Regulation (7 of 1891) as applied to Arunachal Pradesh and supersession of the Arunachal Pradesh Forest (Ejectment of Unauthorized Persons from Reserved Forests) Rules, 2010, except as respect things done or omitted to be done before such supersession, the State Government hereby makes the following Rules, namely:

1. **Short title, extent and commencement:**

1. These Rules may be called the Arunachal Pradesh Forest (Ejectment of Unauthorized Persons from Reserved Forests) Rules, 2013.
2. They shall extend to the whole of the State of Arunachal Pradesh.
3. They shall come into force from the date of their publication in the Arunachal Pradesh Gazette.

2. **Definitions :** In these rules unless the context otherwise requires:

- (a) "Divisional Forest Officer" includes any person in charge of a Forest Division.
- (b) "Reserved Forests" means areas duly notified as a Reserved Forest under Section 17 of the Regulation.
- (c) "Regulation" means the Assam Forest Regulation (7 of 1891) as amended from time to time and applied to Arunachal Pradesh.
- (d) Words and expressions used but not defined in these rules and defined in the Regulation shall have their meaning respectively assigned to them in the said Regulation.

3. **Ejectment of unauthorized persons from Reserve Forest:**

1. Subject to the provisions of Scheduled tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 as amended from time to time, and rules framed thereunder, the Divisional Forest Officer shall be competent to eject any person who has entered into unauthorized occupation of land in Reserved Forest or order him to vacate such unauthorized occupation forthwith.
2. (i) If the Divisional Forest Officer is of the opinion that any person is in unauthorized occupation of land in a Reserved Forest should be evicted, the Divisional Forest Officer shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned that is to say, all persons who are or may be in occupation of, or claim interest in such parcel of land, to show cause why an order of ejectment should not be made.

(ii) **The notice shall :**

- (a) Specify the grounds on which the order of eviction is proposed to be made ; and

- (b) require all persons concerned, that is to say, all persons who are or may be in occupation of, or claim interest in such parcel of land the Reserved Forest.
- (i) To show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than ten days from the date of issue thereof; and
  - (ii) To appear before the Divisional Forest Officer on the date specified in the notice, along with the evidence which they intend to produce in support of the cause shown and also for personal hearing, if such hearing is desired.
  - (iii) The Divisional Forest Officer shall cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the parcel of the land in the Reserved Forests, and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been duly given to all persons concerned.
  - (iv) where the Divisional Forest Officer knows or has reasons to believe that any person is in occupation of land in the Reserved Forests then without prejudice to the provisions of sub- clause (iii), he shall cause a copy of the notice to be served on such person by post or by delivering or tendering it to that person or in such other manner as may be prescribed.
- 3.(i) if considering the cause, if any, shown by any person in pursuance of a notice under sub-rule (2) of rule 3 and any evidence produced by him in support of the same and after personal hearing, if any, given under clause (b) of sub-clause (ii) of sub- rule (2) of Rule 3, the Divisional Forest Officer is satisfied that the land in Reserved Forest are in unauthorized occupations, the Divisional Forest Officer may make an order of ejectment, for reasons to be recorded therein, directing that the Reserved Forests shall be vacated, on such date as may be specified in the order, by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the Reserved Forests.
- (ii) if any person refuses or fails to comply with the order of ejectment on or before the date specified in the said order or within fifteen days of its publication under sub- rule (i) of Rule 3 whichever is later, the Divisional Forest Officer or any other Officer duly authorized by the Divisional Forest Officer on his behalf may eject that person from, and take possession of, the public premises and, may, for that purpose, use such force as may be necessary.
  - (4) No civil court shall exercise jurisdiction in any matter provided for by these rules made in accordance with the provisions of section 72 ( c) of the Assam Regulation, 1891.
  - (5) When any person is ejected under clause (i) of sub- rule (3) or ordered to vacate the land under his unauthorized occupation, the Divisional Forest Officer may sell, confiscate or destroy any crops raised, building or construction erected on the land in Reserved Forests without authority.

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